

REMARKS

Claims 1-71 are pending in this application.

Applicants have amended claims 1-13, 17-23, 26-31, 34, 37-47, 52-55, 57-64, and 66-68, and have added new claims 69-71. These changes are not believed to introduce any new matter.

In response to Paragraph 2 of the Office Action, Applicants confirm that they intended to list U.S. Patent No. US 6,597,468 B1 to *Inuiya* in the Information Disclosure Statement mailed on January 22, 2005 (and received in the PTO on January 28, 2005). Applicants respectfully request that the Examiner consider the *Inuiya* patent and acknowledge such consideration by initialing the corrected Form PTO-1449 attached hereto at the appropriate location.

Applicants respectfully request reconsideration of the rejection of claims 1, 2, 5-36, 47-65, and 67 under 35 U.S.C. § 102(b) as being anticipated by *Shiota et al.* (U.S. Patent No. 6,011,547). As will be explained below, the *Shiota et al.* reference does not disclose each and every feature specified in independent claims 1, 12, 18, 22, 26, 30, 34, 38, 47, 52, 55, 57, 61, 62, 64, 66, and 67, as amended herein.

Applicants have amended the above-listed independent claims to include, in the context of an apparatus, a method, a computer program product, etc., image process control information, which controls image processing at the output device. The *Shiota et al.* reference does not disclose the use of such image process control information, but instead describes the use of recording information. As described in the *Shiota et al.* reference, the “recording” information includes information specific to the camera and information which varies at each recording depending on the environment or the photographer (see column 2,

lines 19-32). As such, the recording information described in the *Shiota et al.* reference is different from the image process control information specified in the claims.

Accordingly, for at least the foregoing reasons, independent claims 1, 12, 18, 22, 26, 30, 34, 38, 47, 52, 55, 57, 61, 62, 64, 66, and 67 are patentable under 35 U.S.C. § 102(b) over *Shiota et al.* The claims depending from the above-listed independent claims are likewise patentable under 35 U.S.C. § 102(b) over *Shiota et al.* for at least the same reasons set forth regarding the applicable independent claim.

Applicants respectfully request reconsideration of the rejection of claims 3, 4, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Shiota et al.* in view of *Liu et al.* (U.S. Patent No. US 6,523,046 B2). The deficiencies of the *Shiota et al.* reference relative to independent claim 1, from which claims 3 and 4 ultimately depend, and independent claim 34, from which claim 37 depends, are set forth above in the connection with the discussion of the anticipation rejection based on the *Shiota et al.* reference. The *Liu et al.* reference does not cure the above-discussed deficiencies of the *Shiota et al.* reference relative to claims 1 and 34. Accordingly, claims 3, 4, and 37 are patentable under 35 U.S.C. § 103(a) over the combination of *Shiota et al.* in view of *Liu et al.* for at least the same reasons set forth above regarding claims 1 and 34.

Applicants respectfully requests reconsideration of the rejection of claims 38-42, 44-46, 66, and 68 under 35 U.S.C. § 103(a) as being unpatentable over *Shiota et al.* in view of *Kondo* (U.S. Patent No. US 6,281,992 B1). Applicants have amended independent claim 38 to specify the use of image process control information. Neither the *Shiota et al.* reference nor the *Kondo* reference discloses or suggests the use of image process control information as in the claimed subject matter. Accordingly, independent claim 38 and claims 39-42 and 44-46 that ultimately depend therefrom are patentable under 35 U.S.C. § 103(a) over *Shiota et al.*

in view of *Kondo*. Regarding independent claims 66 and 68, each of these claims has been amended to specify the use of first information and second information. The first information reflects image generating characteristics of an image data generating apparatus (or a means for generating image data) and is used in color conversion to an absolute color space. The second information reflects reproduction characteristics of an output apparatus that outputs an image according to image data that is input from an image data generating apparatus (or a means for generating image data) and designates an optional image quality adjustment process to image data that is output to the output apparatus. Neither the *Shiota et al.* reference nor the *Kondo* reference discloses or suggests the use of the first information and second information specified in claims 66 and 68. Accordingly, claims 66 and 68 are patentable under 35 U.S.C. § 103(a) over *Shiota et al.* in view of *Kondo*.

Applicants respectfully request reconsideration of the rejection of claim 43 under 35 U.S.C. § 103(a) as being unpatentable over *Shiota et al.* in view of *Kondo* and *Liu et al.* Claim 43 ultimately depends from independent claim 38, which has been amended herein to specify the use of image process control information. None of the *Shiota et al.*, *Kondo*, and *Liu et al.* references discloses or suggests the use of image process control information as specified in the claimed subject matter. Accordingly, claim 43 is patentable under 35 U.S.C. § 103(a) over the combination of *Shiota et al.* in view of *Kondo* and *Liu et al.*

As noted above, Applicants have added new claims 69-71, of which claims 69 and 71 are independent claims. Both claim 69 and claim 71 specify the use of image process control information. As such, claims 69-71 are believed to be patentable over the prior art of record.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-68, as amended herein, and examination of new claims 69-71, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is

Application No. 09/941,711
Amendment dated July 19, 2005
Response to Office Action mailed April 19, 2005

respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP005).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read 'P. B. Martine', with a long horizontal flourish extending to the right.

Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
(408) 749-6900
Customer Number 25920